AFR-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(20)

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR.M.P. NO. 473 OF 2007

S.B. HON'BLE SHRI JUSTICE DHIRENDRA MISHRA

Petitioner	:	Sameer Mandal S/o Shri Sanjiv Mandal, Aged about 30 years, Occupation – Labourer, R/o Village Subhash Nagar, P.S. – Gandhi Nagar, Tehsil – Ambikapur, Distt. Sarguja – (C.G.)
	Versus	
Respondent	:	State of Chhattisgarh Through – Station Incharge Gandhi Nagar, Distt. Sarguja (C.G.)

17.10.2007

Shri A.N. Nandey, counsel for the petitioner.
Shri G.K. Beriwal, Dy A.G. for the State/respondent.

By the instant petition the petitioner has impugned the order dated 21st August 2007 passed in criminal revision No. 26/07 whereby learned III Additional Sessions Judge, Ambikapur, F.T.C., has dismissed the criminal revision of the petitioner and upheld order of the Judicial Magistrate First Class, Ambikapur rejecting the application under Section 311 of Cr.P.C. for recalling witness Semiram.

Learned counsel for the petitioner submits that the above witness was examined on the back of the petitioner whereas

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XI-HC-22

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Section 273 of the Cr.P.C. mandates that evidence of the witnesses is to be recorded in presence of the accused.

I have heard learned counsel for the petitioner.

From perusal of the statement of witness Semiram it is seen that he has been cross-examined by counsel for the accused/petitioner without any objection. So far as objection that the evidence of the above witness was recorded in absence of the accused, is concerned, on the application of the accused his personal attendance was dispensed with by the trial Court and only thereafter, counsel representing the accused cross-examined the above witness without any objection. There is no illegality or infirmity in the impugned order which warrants interference in exercise of inherent powers under Section 482 of the Cr.P.C. Accordingly, the instant petition being devoid of substance is hereby dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

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